

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/004222

International filing date (day/month/year)
21.04.2004

Priority date (day/month/year)
07.05.2003

International Patent Classification (IPC) or both national classification and IPC
D21H23/56, D21H19/66, D21H19/82, D21H27/26

Applicant
CARTIERE FEDRIGONI E C. S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
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International application No.
PCT/EP2004/004222

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
PCT/EP2004/004222

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-9
	No: Claims	1,2,10
Inventive step (IS)	Yes: Claims	NONE
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	NONE

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

*Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement*

Reference is made to the following documents:

D1: US 4409280
D2: WO 9506568
D3: US 5571557

1. A coated paper with pearlescent effect comprising a paper medium and at least on one side at least one layer of coating and above said at least one layer of coating, at least one layer of coating with pearlescent effect is known from D1 (see figure 2 with corresponding parts in the description; col. 4, line 33-49; col. 5, line 17-29). Claim 10 therefore lacks novelty; Art. 33(2) PCT. The process of manufacture according to D1 applies rotogravure; see e.g. Example I. Therefore claim 1 would not appear novel either; Art. 33(2) PCT. Similar arguments apply in view of D2 (see abstract and figures 1 and 2 with corresponding parts in the description) and D3 (see claims 1 and 2 and col. 1, line 43-line 55), as regards claim 10; Art. 33(2) PCT.
2. Furthermore, as rotogravure/(flexographic) processes are known to the skilled man from D1 he would have applied them when manufacturing similar coated paper according to D2 or D3; Art. 33(3) PCT.
- 3 The dependent claims would not appear to comprise any novel and/or inventive additional matter, as hereinafter indicated:
 - 3.1 Claim 2: nitrocellulose and/or mica based pigments are known from e.g. D3, see col. 1, line 48 and 49.
 - 3.2 Claim 3: would appear inherent in a rotogravure/flexographic device.
 - 3.3 Claim 4: what else?
 - 3.4 Claim 5: common thickness for this kind of paper.
 - 3.5 Claim 6: common thickness for this kind of coatings.
 - 3.6 Claim 7: no particular is effect seen.
 - 3.7 Claims 8,9: "additional deposition" lacks antecedent in claim 1; a second coating on both sides of the sheet would appear common technique in the field.

4. For the assessment of the present claims on the question whether they are industrially applicable, no particular reasoning would appear necessary to give. The industrial application would appear to be evident (Art. 33(4) PCT).

Re Item VII

Certain defects in the international application

1. Microns should be replaced by micrometer or μm .
2. The independent claims should be drafted in the two-part form.
3. The cited documents should be acknowledged in the description.

Re Item VIII

Certain observations on the international application

"Rotogravure/flexographic" in claim 1 and elsewhere would not appear an unambiguously clear term in the art; Art. 6 PCT.